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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/586,111	10/12/2006	Stefan Barth	3581.10US01	1350
62274	7590	10/26/2010		
DARDI & HERBERT, PLLC Moore Lake Plaza, Suite 205 1250 East Moore Lake Drive Fridley, MN 55432			EXAMINER MEAH, MOHAMMAD Y	
			ART UNIT	PAPER NUMBER
			1652	
			MAIL DATE	DELIVERY MODE
			10/26/2010	PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

### DETAILED ACTION

The timely submission under 37 CFR 1.129(a) filed on 9/16/10 is not fully responsive to the prior Office action of 8/17/10. Since the submission appears to be a *bona fide* attempt to provide a complete reply to the prior Office action, applicant is given a shortened statutory period of ONE MONTH or THIRTY DAYS from the mailing date of this letter, whichever is longer, to submit a complete reply. This shortened statutory period supersedes the time period set in the prior Office action. This time period may be extended pursuant to 37 CFR 1.136(a).

With preliminary amendment of this application, the applicant, on date 9/16/2010 elected group  $A_n$  comprising antibodies, antibody derivative, antibody fragments and scFv, as component A and DAP-kinase as component B (claims 1-15, 21, 25-26, 29) for examination. This election of restriction requirement is treated as non-responsive. Applicant is required according to the election/restriction office action of 8/17/10 to elect a single combination of fusion proteins comprising a component A selected from the list of components A recited in the claims (e.g., claims 2, 3, etc), and component B, selected from the list of components B recited in the claims (e.g., claim 6, 7, 8, 9, etc.).  $A_1, A_2, A_3$ , etc. each represent a single combination of components A and B.  $N$  represents the total number of possible combinations of A and B one could make of all the recited compounds A and B, which has not been calculated in view of the enormous number of possible combinations encompassed by the claims. However Applicants election of 9/16/2010 of Fusion protein of  $A_n$  comprising A component comprising many binding domains comprising antibodies, antibody derivative, antibody fragments and scFv, and

component B catalytic kinase comprising DAP-kinase (death-associated protein kinase) comprise various catalytic kinase domains, in contrast of fusion protein comprising single binding domain fused to single kinase, (such as SEQ ID NO: 2, comprises a immunoglobulin light chain, and single kinase such as DAPk2).

Applicants are requested again to elect a single fusion protein such as comprising one of SEQ ID NO: 2 or SEQ ID NO: 4 or SEQ ID NO: 6 of 15 or fusion protein comprising single binding domain, such as scFv and a single kinase of claim 7, such as DAPk2, etc.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Mohammad Meah whose telephone number is 571-272-1261. The examiner can normally be reached on 8:30-5PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor Robert Mondesi can be reached on 571-272-0956. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Mohammad Younus Meah  
Examiner, Art Unit 1652

/Delia M. Ramirez/  
Primary Examiner, Art Unit 1652